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PATENT
ATTORNEY DOCKET NO. 01997/201006

Certificate of Mailing: Date of Deposit: July 23, 2002

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to BOX MISSING PARTS, Assistant Commissioner for Patents, Washington, D.C. 20231.

Elaine Fabrizio

Printed name of person mailing correspondence

Elaine Fabrizio

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H. Robert Horvitz et al.

Art Unit: 1633

Serial No.: 09/993,420

Examiner:

Filed: November 6, 2001

Customer No.: 21559

Title: IDENTIFICATION AND CHARACTERIZATION OF A GENE
WHICH PROTECTS CELLS FROM PROGRAMMED CELL DEATH
AND USES THEREFOR

BOX MISSING PARTS

Assistant Commissioner for Patents

Washington, D.C. 20231

STATEMENT UNDER 37 C.F.R. § 1.825

In reply to the Notice to File Missing Parts of Application mailed January 24, 2002 and as required by 37 C.F.R. § 1.825(a), enclosed is an amended Sequence Listing consisting of 13 sheets to be inserted at the end of the application, as indicated in the accompanying Preliminary Amendment.

The amendments made were to correct the misaligned amino acid numbering and to include the present patent application number and filing date. I hereby submit that the substitute sheets contain no new matter.

As required by 37 C.F.R. § 1.825(b), enclosed is a diskette containing a copy of

the Sequence Listing in computer readable form including all previously submitted data with the amendments incorporated therein. As required by 37 C.F.R. § 1.821(f), I hereby state that the contents of the computer readable form are the same as the contents of the paper copy.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date:

July 23, 2002

Kristina Bieker-Brady, Ph.D.
Reg. No. 39,109

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Boston, MA 02110
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Facsimile: 617-428-7045

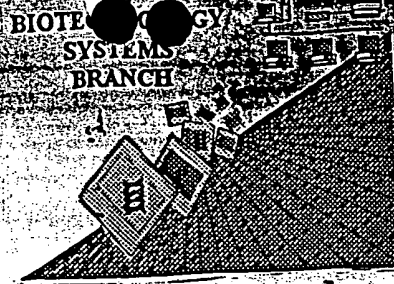
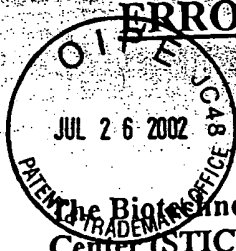
F:\01997\01997.201006 Sequence statement amendment.wpd



21559

PATENT TRADEMARK OFFICE

**RAW SEQUENCE LISTING
ERROR REPORT**



0400
590
0/18

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/993,420
Source: OIPE
Date Processed by STIC: 12/6/01

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.
PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)
PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>

Raw Sequence Listing Error Summary

ERROR DETECTED

SUGGESTED CORRECTION

SERIAL NUMBER: 091993, 420

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1 ☐ Wrapped Nucleics
Wrapped Aminos The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
- 2 ☐ Invalid Line Length The rules require that a line not exceed 72 characters in length. This includes white spaces.
- 3 ☒ Misaligned Amino
Numbering The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
- 4 ☐ Non-ASCII The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
- 5 ☐ Variable Length Sequence(s) _____ contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
- 6 ☐ PatentIn 2.0
"bug" A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
- 7 ☐ Skipped Sequences
(OLD RULES) Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence:
(2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
(i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
This sequence is intentionally skipped

Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
- 8 ☐ Skipped Sequences
(NEW RULES) Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence.
<210> sequence id number
<400> sequence id number
000
- 9 ☒ Use of n's or Xaa's
(NEW RULES) Use of n's and/or Xaa's have been detected in the Sequence Listing.
Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
- 10 ☐ Invalid <213>
Response Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence
- 11 ☐ Use of <220> Sequence(s) _____ missing the <220> "Feature" and associated numeric identifiers and responses.
Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.
(See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
- 12 ☐ PatentIn 2.0
"bug" Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.



OIPE

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/993,420

DATE: 12/06/2001
TIME: 15:19:49

Input Set : A:\01997.201006.SEQLIST.TXT
Output Set: N:\CRF3\12062001\1993420.raw

Does Not Comply
Corrected Diskette Needed

Errors on p. 2

4 <110> APPLICANT: Horvitz, H. Robert
5 Hengartner, Michael
7 <120> TITLE OF INVENTION: IDENTIFICATION AND CHARACTERIZATION OF A
8 GENE WHICH PROTECTS CELLS FROM PROGRAMMED CELL DEATH AND
9 USES THEREOF
11 <130> FILE REFERENCE: 01997/201006
C--> 13 <140> CURRENT APPLICATION NUMBER: US/09/993,420
C--> 13 <141> CURRENT FILING DATE: 2001-11-06
13 <150> PRIOR APPLICATION NUMBER: 09/234,186
14 <151> PRIOR FILING DATE: 1999-01-20
16 <150> PRIOR APPLICATION NUMBER: 07/898,933
17 <151> PRIOR FILING DATE: 1992-06-12
19 <150> PRIOR APPLICATION NUMBER: 07/927,681
20 <151> PRIOR FILING DATE: 1992-08-10
22 <150> PRIOR APPLICATION NUMBER: 08/288,295
23 <151> PRIOR FILING DATE: 1994-08-10
25 <150> PRIOR APPLICATION NUMBER: 08/801,248
26 <151> PRIOR FILING DATE: 1997-02-19
28 <160> NUMBER OF SEQ ID NOS: 8
30 <170> SOFTWARE: FastSEQ for Windows Version 4.0

ERRORED SEQUENCES

245 <210> SEQ ID NO: 3
246 <211> LENGTH: 280
247 <212> TYPE: PRT
248 <213> ORGANISM: Caenorhabditis elegans
250 <400> SEQUENCE: 3
251 Met Thr Arg Cys Thr Ala Asp Asn Ser Leu Thr Asn Pro Ala Tyr Arg
252 1 5 10 15
253 Arg Arg Thr Met Ala Thr Gly Glu Met Lys Glu Phe Leu Gly Ile Lys
254 20 25 30
255 Gly Thr Glu Pro Thr Asp Phe Gly Ile Asn Ser Asp Ala Gln Asp Leu
256 35 40 45
257 Pro Ser Pro Ser Arg Gln Ala Ser Thr Arg Arg Met Ser Ile Gly Glu
258 50 55 60
259 Ser Ile Asp Gly Lys Ile Asn Asp Trp Glu Glu Pro Arg Leu Asp Ile
260 65 70 75 80
261 Glu Gly Phe Val Val Asp Tyr Phe Thr His Arg Ile Arg Gln Asn Gly
262 85 90 95
263 Met Glu Trp Phe Gly Ala Pro Gly Leu Pro Cys Gly Val Gln Pro Glu
264 100 105 110
265 His Glu Met Met Arg Val Met Gly Thr Ile Phe Glu Lys Lys His Ala
266 115 120 125
267 Glu Asn Phe Glu Thr Phe Cys Glu Gln Leu Leu Ala Val Pro Arg Ile
268 130 135 140

RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/993,420

DATE: 12/06/2001

TIME: 15:19:50

Input Set : A:\01997.201006.SEQLIST.TXT
Output Set: N:\CRF3\12062001\I993420.raw

269 Ser Phe Ser Leu Tyr Gln Asp Val Val Arg Thr Val Gly Asn Ala Gln
270 145 150 155 160
271 Thr Asp Gln Cys Pro Met Ser Tyr Gly Arg Leu Ile Gly Leu Ile Ser
272 165 170 175
273 Phe Gly Gly Phe Val Ala Ala Lys Met Met Glu Ser Val Glu Leu Gln
274 180 185 190
275 Gly Gln Val Arg Asn Leu Phe Val Tyr Thr Ser Leu Phe Ile Lys Thr
276 195 200 205
277 Arg Ile Arg Asn Asn Trp Lys Glu His Asn Arg Ser Trp Asp Asp Phe
278 210 215 220
279 Met Thr Leu Gly Lys Gln Met Lys Glu Asp Tyr Glu Arg Ala Glu Ala
280 225 230 235 240
281 Glu Lys Val Gly Arg Arg Lys Gln Asn Arg Arg Trp Ser Met Ile Gly
282 245 250 255

E--> 283

Ala Gly Val Thr Ala Gly Ala Ile Gly Ile Val Gly Val Val Val Cys

705 <210> SEQ ID NO: 8

706 <211> LENGTH: 239

707 <212> TYPE: PRT

708 <213> ORGANISM: Homo sapiens

710 <400> SEQUENCE: 8

711 Met Ala His Ala Gly Arg Thr Gly Tyr Asp Asn Arg Glu Ile Val Met
712 1 5 10 15

713 Lys Tyr Ile His Tyr Lys Leu Ser Gln Arg Gly Tyr Glu Trp Asp Ala
714 20 25 30

715 Gly Asp Val Gly Ala Ala Pro Pro Gly Ala Ala Pro Ala Pro Gly Ile
716 35 40 45

717 Phe Ser Ser Gln Pro Gly His Thr Pro His Pro Ala Ala Ser Arg Asp
718 50 55 60

719 Pro Val Ala Arg Thr Ser Pro Leu Gln Thr Pro Ala Ala Pro Gly Ala
720 65 70 75 80

721 Ala Ala Gly Pro Ala Leu Ser Pro Val Pro Pro Val Val His Leu Ala
722 85 90 95

723 Leu Arg Gln Ala Gly Asp Asp Phe Ser Arg Arg Tyr Arg Gly Asp Phe
724 100 105 110

725 Ala Glu Met Ser Ser Gln Leu His Leu Thr Pro Phe Thr Ala Arg Gly
726 115 120 125

727 Arg Phe Ala Thr Val Val Glu Glu Leu Phe Arg Asp Gly Val Asn Trp
728 130 135 140

729 Gly Arg Ile Val Ala Phe Phe Glu Phe Gly Gly Val Met Cys Val Glu
730 145 150 155 160

731 Ser Val Asn Arg Glu Met Ser Pro Leu Val Asp Asn Ile Ala Leu Trp
732 165 170 175

733 Met Thr Glu Tyr Leu Asn Arg His Leu His Thr Trp Ile Gln Asp Asn
734 180 185 190

735 Gly Gly Trp Asp Ala Phe Val Glu Leu Tyr Gly Pro Ser Met Arg Pro
736 195 200 205

E--> 737

Leu Phe Asp Phe Ser Trp Leu Ser Leu Lys Thr Leu Leu Ser Leu Ala

210

215

misalignment

The type of errors shown exist throughout the Sequence Listing. Please check subsequent sequences for similar errors.

VERIFICATION SUMMARY
PATENT APPLICATION: US/09/993,420

DATE: 12/06/2001
TIME: 15:19:51

Input Set : A:\01997.201006.SEQLIST.TXT
Output Set: N:\CRF3\12062001\I993420.raw

L:13 M:270 C: Current Application Number differs, Replaced Current Application No
L:13 M:271 C: Current Filing Date differs, Replaced Current Filing Date
L:125 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1
L:126 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1
L:129 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1
L:130 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1
L:146 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1
L:283 M:252 E: No. of Seq. differs, <211>LENGTH:Input:280 Found:256 SEQ:3
L:737 M:252 E: No. of Seq. differs, <211>LENGTH:Input:239 Found:208 SEQ:8

Day : Wednesday

Date: 1/16/2002

Time: 15:06:55

PALM INTRANET

Content Information for 09/993420

Search Another: Application#

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or Patent#

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PCT /

Search

or PG PUBS #

Search

Attorney Docket #

Search

Appln Info

Contents

Petition Info

Atty/Agent Info

Continuity Data

Foreign Data

Date	Status	Code	Description
12/26/2001		CRFD	CRF IS FLAWED TECHNICALLY / NOT ENTERED INTO
12/06/2001		SCAN	APPLICATION SCANNED AND DISPATCHED FROM OI
12/04/2001		SCAN	APPLICATION SCANNED AND DISPATCHED FROM OI
11/06/2001		CRFL	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROU
11/06/2001	19	IEXX	INITIAL EXAM TEAM NN

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WASHINGTON, D.C. 20231
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**ATTACHMENT TO "NOTICE TO COMPLY WITH
REQUIREMENTS...SEQUENCE DISCLOSURES"**

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1. Electronically submitted through EFS-Bio
(<http://www.uspto.gov/ebc/efs/downloads/documents.htm>, EFS Submission User Manual - ePAVE)
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